

REMARKS

In the non-final Office Action, the Examiner rejected claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, and 31-39 under 35 U.S.C. § 102(e) as anticipated by TUROK (U.S. Patent No. 6,243,373); and allowed claims 29 and 30.

By way of this amendment, Applicant amends claim 38 to more appropriately define the invention. No new matter has been added by way of this amendment. Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, and 26-39 remain pending.

Applicant notes with appreciation the indication that claims 29 and 30 are allowable over the art of record.

Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, and 31-39 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by TUROK. Applicant respectfully traverses this rejection.

TUROK is directed to a system that allows a standard telephone that is connected to a public switched telephone network (PSTN) to communicate with any other PSTN-connected telephone (Abstract). In TUROK, a computer network is the transmission facility instead of conventional telephone transmission facilities (Abstract).

In contrast, the present invention recited in independent claim 1, for example, includes a combination of features, including an originating circuit-switched network for providing originating signals in response to voice input; an originating gateway computer for converting the originating signals into digital data packets; a terminating gateway computer that accepts out of band signaling and converts the digital data packets into terminating signals; a terminating circuit-switched network for providing voice output in

response to the terminating signals, and a packet-switched network for transmitting the digital data packets from the originating gateway computer to the terminating gateway computer, where at least one of the originating and terminating gateway computers comprises a component for routing the digital data packets through the packet-switched network from the originating gateway computer to the terminating gateway computer; and where the terminating circuit-switched network is capable of providing first return signals to the terminating gateway computer in response to return voice input, the terminating gateway computer comprises a component for converting the first return signals into return packets of return digital data, at least one of the originating and terminating gateway computers comprises a component for routing the return packets through the packet-switched network from the terminating gateway computer to the originating gateway computer, and where the originating gateway computer comprises a component for converting the return packets into second return signals.

A proper rejection under 35 U.S.C. § 102 requires that the reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant respectfully submits that TUROK does not disclose or suggest each of the features of claim 1.

For example, TUROK does not disclose or suggest a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals. The Examiner relied on col. 2, lines 9-12, and block 216 of Fig. 2 of TUROK for allegedly disclosing the terminating

gateway computer (Office Action, page 2). Applicant submits that these sections of TUROK do not disclose or even suggest the recited terminating gateway computer.

Col. 2, lines 9-14, of TUROK discloses:

The transmission of digital signals over the T1 carrier may be accomplished using time division multiplexing (TDM) wherein a high bandwidth communications link, such as a 1.544 Mbit/S T1 carrier, is divided into a number of lower bandwidth communication channels, such as 64 Kbit/S channels.

This section of TUROK merely describes the transmission of digital signals over a T1 carrier. This section of TUROK in no way discloses or suggests a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals, as required by Applicant's claim 1.

Block 216 in TUROK's Fig. 2 depicts a specialized switch with voice digital signal processing (DSP). TUROK discloses that specialized switch with voice DSP 216, also referred to as ITS node 216, receives signaling messages over Internet 214 from ITS node 206 and outdials a call through central office 218, PSTN 220, and central office 222 to a called station 204 (col. 6, line 66 to col. 7, line 17). TUROK does not disclose or suggest that ITS node 216 accepts out of band signaling, as required by Applicant's claim 1. If this rejection is maintained, Applicant requests that the Examiner specifically point out where TUROK discloses that ITS node 216 accepts out of band signaling.

Since TUROK does not teach every feature of the claimed invention either explicitly or impliedly, the rejection of claim 1 under 35 U.S.C. § 102(e) based on TUROK is improper.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 1 be reconsidered and withdrawn.

Claims 4-7, 9, 10, 26-28, and 31 depend from claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 1.

Independent claims 11, 22, 34, and amended independent claim 38 recite features similar to the ones described above with respect to claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for reasons similar to those given above with respect to claim 1. Moreover, these claims recite additional features that are not disclosed or suggested by TUROK.

For example, independent claim 34 recites, *inter alia*, estimating a unit charge for a call going through said gateway computer, informing a caller providing said originating voice input about the unit charge, and recording a payment method specified by the caller before providing said terminating voice output. The Examiner relied on col. 9, lines 27-35, of TUROK for allegedly disclosing this feature (Office Action, pg. 4). Applicant submits that this section of TUROK does not disclose or suggest the above-recited features of claim 34.

Col. 9, lines 27-35, of TUROK discloses:

Before establishing an Internet voice connection, ITS Node 206 utilizes Least Cost Routing (LCR) module 514 in order to locate the ITS Node that can route the call at the receiving end in the most cost efficient manner. To perform this function, LCR 514 first matches the characteristics of the destination telephone number (called party telephone number) with data stored in a local database. This may be carried out using a hierarchical search to locate the ITS node in the region of the dialed telephone number.

This section of TUROK discloses that ITS node 206 utilizes a Least Cost Routing module 514 to locate an ITS node that can route the call at the receiving end in the most cost efficient manner. This section of TUROK in no way discloses or suggests estimating a unit charge for a call going through the gateway computer, informing a caller providing the originating voice input about the unit charge, and recording a payment method specified by the caller before providing the terminating voice output, as recited in Applicant's claim 34. (2)

For at least these additional reasons, Applicant submits that claim 34 is not anticipated by TUROK.

Claims 14-17, 19, and 20 depend from claim 11. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 11.

Claims 32, 33, and 35-37 depend from claim 22. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 22.

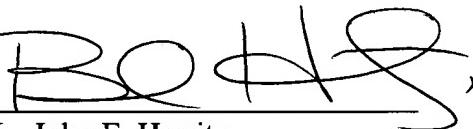
Claim 39 depends from claim 38. Applicant submits that this claim is not anticipated by TUROK for at least the reasons given above with respect to claim 38. Moreover, claim 39 recites features similar to those described above with respect to claim 34. Therefore, Applicant submits that claim 39 is not anticipated by TUROK for reasons similar to those given above with respect to claim 34.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectively submitted,

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